IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 28079 of 2007(P)

OPMV.259/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR

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PETITIONERS:

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1. SITHARA T.V., W/O.MOHAMMED RASHEED,
   KUTTAN THARAYIL HOUSE, P.O.VETTOM,
   B.P.ANGADI, TIRUR, MALAPPURAM DISTRICT.

2. FATHIMA SHIFLA, (MINOR),
   D/O.MOHAMMED RASHEED,
   REP. BY MOTHER IST PETITIONER.

3. SHIFNA (MINOR),
   D/O.MOHAMMED RASHEED,
   REP. BY MOTHER IST PETITIONER.

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENTS:

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1. MADHUSUDHANAN NAIR, S/O.PARAMESWARAN,
   KOCHUKARUKPPALLI HOUSE,
   PERUMBAYA KATTUSSERYKARA,
   PERUMBAYIKKODE P.O., KOTTAYAM DISTRICT.

2. MANAGING DIRECTOR, K.S.R.T.C.
   FORT, THIRUVANANTHAPURAM.

3. SAKEER HUSSAIN, S/O.MOIDEEN, KUMMALIL
   HOUSE, THIRUNAVAYA, KUTTIPPURAM,
   MALAPPURAM DISTRICT.

4. THE ORIENTAL INSURANCE CO.LTD.,
   BRANCH OFFICE, C.K.H. BUILDING,
   THAZHEPPALAM, TIRUR, MALAPPURAM
   DISTRICT.

BY SC SRI.JOHNSON P.JOHN FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.28079 OF 2007

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Dated this the 20th day of September 2007

JUDGMENT

This writ petition is filed by the guardian of minor petitioners 2 and 3 and for herself by the first petitioner whereby they request to release the amount which is lying in deposit as compensation awarded by the Motor Accidents Claims Tribunal, Tirur in O.P.(MV)No.259 of 2003. Petitioners have come to this court direct for a direction on the ground that they are in urgent need of money and therefore unless the amount is released in their favour, it will cause great hardship to them. The Apex Court had given guidelines regarding the manner of deposit of amount in the decision reported in ***Krishnan Nambudiri v. Thankamani(1994)1) KLT 607).*** There may be cases where the amount can be disbursed when the claimants are able to satisfy the court regarding the urgency. When an application for release of the amount is filed with appropriate grounds, the court has to judicially scrutinize it and if it is convinced that the amount has to be released, it can do so by passing a considered order.

Therefore, I dispose of the writ petition with a direction to the

petitioners herein to approach the Motor Accidents Claims Tribunal for disbursement of the amount. I am equally conscious of the fact that petitioners 2 and 3 are minors, whose interest are to be protected by the Tribunal. When such an application is moved, let it be considered at the earliest, within a short time frame and dispose it of in accordance with law.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-